

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS A. SANCHEZ	:	
		Petitioner,
	:	
	:	CIVIL ACTION
v.	:	
	:	
	:	No. 15-5303
MICHAEL OVERMYER, et al.¹	:	
		Respondents.
	:	

ORDER

This 17th day of November 2016, upon careful and independent consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Carlos Sanchez, the record in this case, and the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, dated October 31, 2016, **IT IS ORDERED** as follows:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DISMISSED**;
3. Petitioner's requests for the appointment of counsel and for an evidentiary hearing are **DENIED**; and

¹ As noted by Magistrate Judge Hey, Petitioner named as the primary respondent the Pennsylvania Secretary of Corrections John Wetzel. The proper respondent, however, is the officer with current custody of the habeas petitioner. See Rule 2(a) of the Rules Governing Section 2254 Cases (requiring the state officer with current custody to be named as the respondent). Mr. Sanchez is currently housed at the State Correctional Institution Forest in Marienville, Pennsylvania ("SCI Forest"). According to the Department of Corrections website, the current superintendent of SCI Forest is Michael Overmyer. Therefore, I follow Magistrate Judge Hey in naming Mr. Overmyer as the primary respondent.

4. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

/s/ Gerald Austin McHugh
United States District Judge